

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA JONES,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 62694

FILED

MAR 13 2013

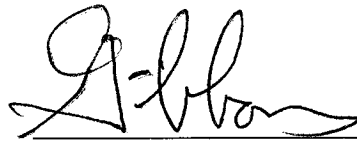
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *Angela*
DEPUTY CLERK


ORDER DENYING PETITION


This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to dismiss an indictment as deficient. The indictment charges petitioner with murder with the use of a deadly weapon under two theories—(1) premeditated and deliberate murder and/or (2) as a result of a challenge to fight—and that the petitioner and his codefendant are criminally liable for the murder under three theories—(1) by directly committing the act, (2) pursuant to a conspiracy to commit murder or an assault with a deadly weapon, and/or (3) by aiding or abetting in the commission of the crime through various acts. Petitioner argues that the indictment is deficient because it expands the elements of murder and fails to properly state the elements of NRS 200.450 (the challenge-to-fight statute). In this, he argues that the terms “conspiracy” and “aiding and abetting” do not appear in NRS 200.450 and therefore the State may not allege that he committed a violation of NRS

200.450 through a "conspiracy" to commit murder or by aiding or abetting his codefendant to commit murder. Reading the plain language of the indictment, we conclude that petitioner's argument lacks merit and that the indictment is not deficient. Because petitioner has not demonstrated that the district court manifestly abused its discretion or exceeded its jurisdiction by denying petitioner's motion to dismiss, see NRS 34.160; NRS 34.320; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981), we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Kathleen E. Delaney, District Judge
Gordon Silver
Clark County District Attorney
Attorney General/Carson City

¹We deny petitioner's emergency motion for a stay of the district court proceedings filed on March 7, 2013.